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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/796,275	03/10/2004	Geza Olah	449122068200	9388

25227 7590 04/16/2007  
MORRISON & FOERSTER LLP  
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MCLEAN, VA 22102

EXAMINER
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RAMAKRISHNAIAH, MELUR

ART UNIT	PAPER NUMBER
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2614

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/16/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/796,275

Applicant(s)

OLAH, GEZA

Examiner

Melur Ramakrishnaiah

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 March 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claim 1 is rejected under 35 U.S.C 102(e) as being anticipated by Sherman et al. (US PAT: 6,792,271, filed 11-6-2001, hereinafter Sherman).

Regarding claim 1, Sherman discloses a method for billing for a connection from a first subscriber (for example 55, figs. 1-2) in a first communication network (57, fig. 2) to a second subscriber (for example 21, fig. 2) in a second communication network (for example 12, fig. 1) which is connected to the first communication network, comprising: providing a level of the billing of a first billing share for communication in the first communication network and a second billing share for the connection in the second communication network, and setting up a connection if the first subscriber accepts both billing shares (this reads on user with mobile phone 55 accepting to pay for outgoing call by using prepaid card: col. 8 lines 1-65).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

Art Unit: 2614

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2-6, are rejected under 35 U.S.C. 103(a) as being unpatentable over Sherman in view of Sawatzki et al. (US PAT: 6,430,279, hereinafter Sawatzki).

Sherman differs from claim 2 in that he does not specifically teach prior to connection set up, the second subscriber stores information not to accept billing share for the second communication network.

However, Sawatzki teaches prior to connection set up storing in memory information (such as code) as to how to handle call charges (col. 2 lines 56 – 64; col. 3 lines 9-13, lines 20-25).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Sherman's system to provide for the following: prior to connection set up, the second subscriber stores information not to accept billing share for the second communication network using insight provided by Sawatzki in order to automatically implement user's preferred way of handling call charges.

Regarding claim 3, Sherman teaches the following: when setting up a connection, the first subscriber is asked to accept the billing share for the second communication network (such as 12, fig. 1, this reads on system prompting the caller to insert prepaid card into mobile terminal: col. 8 14-17), and the connection to the second subscriber is set up if the subscriber responds affirmatively (col. 8 lines 53-65).

Sherman differs from claim 4 in that he does not specifically teach: prior to connection setup, the first subscriber stores information to accept the billing share for the second communication network.

However, Sawatzki teaches the following: prior to connection setup, the first subscriber stores information to accept the billing share for the communication network (col. 2 lines 57 – 64; col. 3 lines 9-13, lines 20-25).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Sherman's system to provide for the following: prior to connection setup, the first subscriber stores information to accept the billing share for the second communication network as this arrangement would provide means for automatically implementing responsibility for call charges as taught by Sawatzki.

Regarding claim 5, Sherman teaches the following: the first subscriber (such as user of mobile phone 55, fig. 2) accepts the billing share for the second communication network (such as for example 12, fig. 2) for at least one connection (this reads on user with mobile phone 55 accepting to pay for outgoing call by using prepaid card: col. 8 lines 1-65).

Regarding claim 6 although Sherman does not specifically teach: the first subscriber can retract the agreement to accept the billing share for the second communication network, it would be obvious to one of ordinary skill in the art at the time invention was made to carry out this in order to exercise his right to not to pay for the call he does not want to.

5. Claims 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sawatzki.

Sawatzki differs from claim 7 in that although he teaches memory to store information that subscriber is prepared to accept a billing share for a second

Art Unit: 2614

communication network when an incoming is set up (col. 2 lines 57 – 64; col. 3 lines 9-13, lines 20-25), he does not specifically teach: memory to store information that subscriber is not prepared to accept a billing share for a second communication network when an incoming is set up. However, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Sawatzki's system to provide for the following: memory to store information that subscriber is not prepared to accept a billing share for a second communication network when an incoming is set up in order to automatically implement user's preferred way of handling call charges.

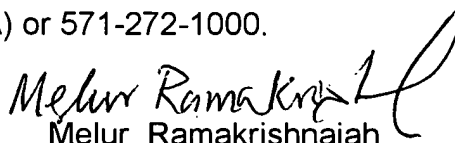
Sawatzki differs from claim 8 in that although he teaches: first memory to store information that a subscriber is prepared to accept a billing share for a second communication network when an outgoing is set up (col. 2 lines 57 – 64; col. 3 lines 9-13, lines 20-25); he does not teach a second memory to store information that a subscriber is prepared to accept a billing share for a second communication network when an outgoing is set up. However, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Sawatzki's system to provide for the following: second memory to store information that a subscriber is prepared to accept a billing share for a second communication network when an outgoing is set up as this arrangement would provide back up memory for storing information to automatically implement responsibility for call charges.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melur Ramakrishnaiah whose telephone number is (571)272-8098. The examiner can normally be reached on 9 Hr schedule.

Art Unit: 2614

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curt Kuntz can be reached on (571) 272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Melur Ramakrishnaiah  
Primary Examiner  
Art Unit 2614